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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,923	12/22/2000	Jarvis C. Tou	42390P9432	2870

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER
TRINH, TAN H

ART UNIT	PAPER NUMBER
2684	6

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,923	TOU ET AL.	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui (U.S. Patent No. 6,336,039) in view of Kaschke (U.S. Patent no. 5,898,933).

Regarding to claim 1, Usui teaches an apparatus (Fig. 5, item 2 PC) comprising: a communication module (Fig. 5 item 12) having an antennae unit (Fig. 5 item 13), (see Figs. 5, 6, 8 and 10). But Usui fails to shows the antennae unit is adapted to disable the communication module when in a first position.

However, Kaschke teaches a radiotelephone having a moveable antenna, an apparatus and method generates a control signal or responsive to the position of the antenna, and operating mode of the radiotelephone can disabled responsive to the hook switch control signal by retracted the antenna to first position (see Fig. 5, col. 2 lines 62-67, col. 3, lines 1-6 and col. 4, lines 5-14).

Therefore, it would has been obvious to one of the ordinary skill in the art at the time invention was made to modify Usui system and the providing of the teaching of Kaschke with

the moveable antenna unit for disable/enable the transmitter thereto in order to provide the convenient for user operation and protection from accidental activation of exposed control keys.

Regarding to claim 2, Kaschke teaches wherein the apparatus is operational when the antenna unit is in the first position (retracted) (see col. 4 lines 61-63, col. 5, lines 14-30).

Regarding to claim 3, Kaschke teaches the slave microprocessor store the status of the hook switch and provides an indication of the changes of state of the hook switch to enable the microcomputer system and determination is made whether the antenna is extended or retracted and the slave microprocessor is enable a visual indicators (see fig. 5 and col. 10, lines 24-26, col. 12, lines 64-66, col. 13, lines 22-26 and lines 45-47, col. 17 lines 13-23).

Regarding to claim 4, Kaschke teaches wherein the visual indicator comprises a light emitting diode (LED) (see Fig. 5 LED, and col. 10, lines 24-29).

Regarding to claim 5, Kaschke teaches wherein the antenna unit is further adapted to enable the portable radiotelephone communication when in a second position (extended) (see fig. 8, col. 4, lines 5-14).

Regarding to claim 6, Kaschke teaches wherein at least a majority of the antenna unit is contained within the radiotelephone when in the first position (see fig. 3 A and col. 4 lines 31-32).

Regarding to claim 7, Kaschke teaches wherein substantially all of the antenna unit is contained within the communication module when in the first position (see fig. 3 A and col. 4, lines 33-35).

Regarding to claim 8, Usui and Kaschke teach wherein the communication module comprises a radio (see Usui fig. 8 item 222 and Kaschke fig. 4, radio transceiver 402).

Regarding to claim 9, Kaschke teaches a portable radiotelephone adapted use in a cellular radiotelephone system to transmit and receive signals having a frequency ranging of cellular band from about 1 MHz to 900 MHz (see fig. 2, and col. 3, lines 51-52 and lines 64-67).

Regarding to claim 10. Usui teaches wherein the communication module comprises a personal computer memory card international association (PCMIA) card (see fig. 5 item 31 IC, card and fig. 8 JEIDA card for cell unit 16, col. 2 lines 2-36).

Regarding to claim 11, Kaschke teaches a cellular portable radiotelephone comprising: a processor; a static random access memory coupled to the processor; and a transceiver having an antennae module, wherein at least a portion of the antennae unit extends from the transceiver in a first position to enable the communication module (see Fig. 4 and col. 9, lines 32-48, and col. 5 lines 2-5).

Regarding to claim 12, Kaschke teaches wherein at least a majority of the antennae unit

extends from the communication module when the antennae unit is in the first position (extended) (see Fig. 3A-B, the extended position 313 or 314).

Regarding to claim 13, Kaschke teaches wherein the antennae unit disables the communication module when in a second position (see Fig. 3A- C and col. col. 4, lines 5-14, co. 5 lines 14-19).

Regarding to claim 14, Kaschke teaches wherein at least a majority of the antennae unit is contained within the communication module when in the second position (see fig. 3A-B, of 307 position).

Regarding to claim 15, Kaschke teaches wherein the antennae unit extends less than about 10 centimeters outward from the communication module when in the first position (see fig. 3B position 307).

Regarding to claim 16, Kaschke teaches wherein the antennae unit is adapted to enable a visual indicator when in the second position (see fig. 5 and col. 10, lines 24-26, col. 12, lines 64-66, col. 13, lines 22-26 and lines 45-47, col. 17 lines 13-23).

Regarding to claim 17, Kaschke teaches a method comprising: disabling a communication module in a portable device by inserting at least a portion of an antennae unit into the communication module (see Fig. 5, col. 2 lines 62-67, col. 3, lines 1-6 and col. 4, lines 5-14).

Regarding to claim 18, Kaschke teaches wherein disabling the communication module includes moving at least a majority of the antennae unit into the communication module (see Fig. 5, col. 2 lines 62-67, col. 3, lines 1-6 and col. 4, lines 5-14).

Regarding to claim 19, Kaschke teaches enabling the communication module by extracting at least a majority of the antennae unit from the communication module (see Fig. 3 A-C, and col. 4, lines 5-14).

Regarding to claim 20, Kaschke teaches further comprising enabling a visual indicator with disabling the communication by retracted antennae unit (see fig. 5 and col. 10, lines 24-26, col. 12, lines 64-66, col. 13, lines 22-26 and lines 45-47, col. 17 lines 13-23).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mays (U.S. Patent No. 5,361,061) discloses computer card data receiver having a foldable antenna.

Rostoker (U.S. Patent No. 5,809,243) discloses personal interface system for wireless and wired communications.

Shimazaki (U.S. Patent No. 5,689,821) discloses device for controlling extension and retraction of an antenna.

Phillips (U.S. Patent No. 6, 297,778) discloses apparatus and method for ensuring proper antenna position.

Koleda (U.S. Patent No. 65,880,696) discloses retractable antenna for a radio transmitting and receiving device.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
May 1st, 2003

NAY MAUNG
PRIMARY EXAMINER